

REMARKS

In response to the final rejection of July 27, 2004, Applicants submitted an amendment under 37 C.F.R. §1.116 and a Notice of Appeal on January 24, 2005. As reported in the Advisory Action dated February 23, 2005, the amendment under 37 C.F.R. §1.116 was not entered by the Examiner. By virtue of the filing of a Request for Continued Examination submitted herewith, the amendment under 37 C.F.R. §1.116, filed January 24, 2005, is now entered into the application.

Claims 1, 2, 5, 6, 9 and 10 are pending in the application. Claims 1, 2, 5, 6, 9 and 10 have been rejected. Claims 9 and 10 have been amended. The specification on page 9 has been amended to correct a minor typographical error. No new matter has been added.

Claims 1, 2, 5, 6, 9 and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Reed (WO 98/41208). In particular, the Examiner states in response to Applicants' previous argument:

...Applicant asserts that ocular hypertension is a completely different condition from hypertension, pulmonary hypertension and the other conditions or disease states recited in claims 9 and 10. Applicant alleges that since Reed fails to teach treating hypertension, pulmonary hypertension or any other of the conditions or disease states recited in claims 9 and 10 with isopropyl unoprostone, the activity of isopropyl unoprostone in opening potassium channels in the cell membranes of mammals cannot be deemed an inherent property of treating these specific conditions or disease states.


This argument is not persuasive at all. Unlike applicant's allegation, the instant scope of "hypertension" encompasses ocular hypertension. The instantly claimed "hypertension" does not exclude that the claimed high blood pressure condition (hypertension) is only limited to pulmonary origin or any other specific location. Rather, the term covers high blood pressure condition in any location, including ocular blood vessels. Therefore, the reference anticipates the claimed invention....

To facilitate prosecution, while not necessarily agreeing to the grounds for this rejection, claims 9 and 10 have been amended to delete the term "hypertension." In view of the above, withdrawal of the rejection of claims 1, 2, 5, 6, 9 and 10 under 35 U.S.C. §102(b) is respectfully requested.

A good faith effort has been made to place the present application in condition for allowance. If the Examiner believes that a telephone conference would be of value, he is requested to call the undersigned counsel at the number listed below.

Respectfully submitted,

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